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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,172	04/06/2000	Shinichi Kuroda	1163-268P	9554

7590 11/03/2003

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EXAMINER
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WONG, ALLEN C

ART UNIT	PAPER NUMBER
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2613

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DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/545,172

Applicant(s)

KURODA ET AL.

Examiner

Allen Wong

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-11 and 20-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-11 and 20-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/25/03 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 6-11 and 20-24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. Claim 26 is objected to because of the following informalities: claim 26 appears to be a dependent claim that depends from independent claim 25 because of the referencing of the term "said start code analyzer". Claim 26 needs to have a reference to claim 25 otherwise the claim 26 can be considered as indefinite. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-11 and 20-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki (6,031,575) in view of Kamikura (6,266,370).

Regarding claim 6, Suzuki discloses an image decoding device which decodes an encoded bit stream formed by encoding images for each object, comprising:

display speed information decoding means for decoding a header information area of the encoded bit stream to restore display speed information, the display speed information being included as a codeword in the header information area for a layer that is above a VOP and comprises a plurality of VOPs, to indicate a number of VOPs displayed per a unit time (col.46, ln.48-53; note Suzuki discloses header information of the displaying timing of a VOP is indicated by a flag called VOP\_tem\_ref, an indicator for time interval from the displaying time of a previous VOP); and

control means for controlling the reconstruction of said encoded images encoded for each object, based on said object display speed information restored by decoding (note in Fig.7, Suzuki discloses a reconstruction of the images or the combination of image based on the decoded object display speed information, and also, Suzuki's Fig.8B shows the decoder means where VOP decoders 40, 41 and 43 are there for decoding each video object plane that are encoded by the corresponding VOP encoders 32, 33 and 35 in Fig.8A, and that the images decoded by the VOP decoders are combined by element 44 of Fig.8B, element 44 synthesizes the VOP data sets, thus, Suzuki discloses the control means for controlling the reconstruction of images).

Although Suzuki does not specifically disclose the phrase "objects displayed per a unit time", however, it is clear that Suzuki implies that the objects or video object

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planes (VOP) are displayed per a unit time since Suzuki discloses the displaying timing of a VOP is indicated by a flag called VOP\_tem\_ref, an indicator for time interval from the displaying time of a previous VOP, as disclosed in col.46, ln.48-53. Therefore, it would have been obvious to one of ordinary skill in the art to recognize and acknowledge that Suzuki does imply the teaching of "objects displayed per a unit time" so as to provide sufficient information in order to encode in an accurate, efficient and cost reducing manner. Doing so would meet with today's highly complex encoding standards and maintain superior image quality.

Although Suzuki does not specifically disclose the term VOL or the phrase "a layer that is above a VOP", it is clear that from a quick perusal of Suzuki's figure 33B, that the "layer that is above a VOP" is a VOL (note at time t5 or t6, the VOPs VOP1-VOP4 are displayed and that the grouping of VOPs is considered, as one of ordinary skill in the art knows and recognizes, a VOL or a video object layer). If one is not convinced, then one can peruse Kamikura's col.10, ln.66 to col.7, ln.15 and figure 9, where Kamikura teaches that in the MPEG-4 video encoding standard, it is a standard that a VOL comprises of a collection of video object planes (VOPs). Thus, Kamikura reinforces the well known concepts of MPEG-4 and the disclose of VOL and VOPs. Therefore, it would have been obvious to one of ordinary skill in the art to take the teachings of Suzuki and Kamikura as a whole for reinforcing the well known concepts of MPEG-4 when decoding image data for viewing high quality images.

Note claims 7, 20-24 and 25-32 have similar corresponding elements.

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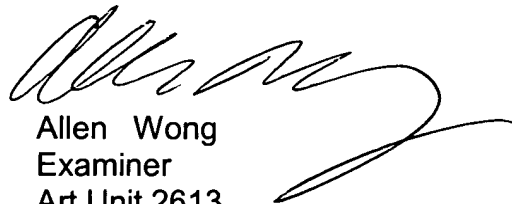
Regarding claims 8-11, Suzuki discloses the decoded object display speed is fixed (col.47, ln.10-13) or variable (col.46, ln.67 to col.47, ln.1).

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

  
Allen Wong  
Examiner  
Art Unit 2613

AW  
10/29/03